

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IN RE:

CASE NO. C22-1549JLR

Application of CATERPILLAR  
CRÉDITO, SOCIEDAD  
ANÓNIMA DE CAPITAL  
VARIABLE, SOCIEDAD  
FINANCIERA DE OBJETO  
MÚLTIPLE, ENTIDAD  
REGULADA  
for an Order Pursuant to 28 U.S.C.  
§ 1782 Granting Leave to Obtain  
Discovery for Use in a Foreign  
Proceeding,

ORDER

Applicant.

CAROLINA ELIZABETH  
VARADY DE BELLOSTA, et al.,

Intervenors,

v.

CATERPILLAR CRÉDITO,  
SOCIEDAD ANÓNIMA DE  
CAPITAL VARIABLE,  
SOCIEDAD FINANCIERA DE  
OBJETO MÚLTIPLE, ENTIDAD  
REGULADA,

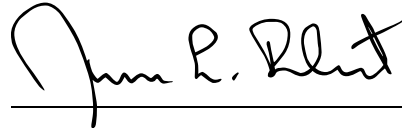
Applicant.

1 On November 2, 2022, Intervenors Carolina Elizabeth Varady de Bellosta and  
2 Carlos Mercelino Jose Bellosta Pallares (collectively, the “Bellostas”) filed an emergency  
3 motion for a temporary restraining order and preliminary injunction, asking the court to  
4 enjoin Caterpillar Crédito, Sociedad Anónima de Capital Variable, Sociedad Financiera  
5 de Objeto Multiple, Entidad (“Caterpillar”) from using, disseminating, and reviewing  
6 phone records it obtained pursuant to a subpoena issued by this court. (*See* TRO Mot  
7 (Dkt. # 5).) On Sunday, November 6, 2022, the court denied the Bellostas’ motion but  
8 granted much of the relief the Bellostas sought. (*See* 11/6/2022 Order (Dkt. # 9) at 20.)  
9 Sensitive to the impending deadlines in collateral litigation, the court ordered the parties  
10 to enter into a stipulated protective order regarding Caterpillar’s use of the disputed  
11 phone records consistent with Local Rule 26(c) within three days of the entry of the  
12 court’s order. (*See id.* at 19-20.) The court provided that if the parties are unable to  
13 reach agreement on a protective order, they must each file their own proposed protective  
14 orders and indicate the specific terms that remained in dispute. (*Id.* at 19 (noting that the  
15 court would then promptly resolve any disputes).) The deadline for the parties to submit  
16 their proposed protective order(s) has now passed. (*See id.* at 19-20.) Neither party filed  
17 a proposed protective order, sought an extension of the deadline, or provided any  
18 explanation for its failure to comply with the court’s deadline. (*See* Dkt.)

19 The court ORDERS the parties to SHOW CAUSE why this matter should not be  
20 dismissed by Monday, November 14, 2022. Any response to this order shall be limited to  
21 five pages. The court warns the parties that failure to timely respond to this order to  
22 show cause may result in the dismissal of this action with prejudice. *See Pagtalunan v.*

1 *Galaza*, 291 F.3d 639, 642-43 (9th Cir. 2002) (discussing factors that the court considers  
2 in determining whether to dismiss for failure to prosecute or comply with a court order).<sup>1</sup>

3 Dated this 10th day of November, 2022.

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6 JAMES L. ROBART  
7 United States District Judge  
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22 <sup>1</sup> The court reminds the parties that the court and its resources are not tools for delay or  
obstruction and that sanctions may be imposed if the parties' conduct continues to fall below the  
acceptable standard for conduct in this district.